REMARKS

The following remarks form a full and complete response to the Office Action dated July 13, 2009. Claims 1-30 and 32-43 remain pending in the present application and are submitted for reconsideration.

Claim Rejections Under 35 U.S.C. § 102

The Office Action rejected claims 9-13, 24-28, 33-35 and 39-41 under 35 U.S.C. § 102(e) as anticipated by U.S. Pub. Application No. 2004/0210942 A1 by Lemmons ("Lemmons"). Applicants traverse this rejection on the basis that claims 9-13, 24-28, 33-35 and 39-41 recite subject matter not disclosed by Lemmons.

Independent claim 9 recites a method of broadcasting a television program including interactive content. The method comprises broadcasting over a television network a stream of audiovisual data for display by a receiver. Additionally, the method includes broadcasting over the television network a separate stream of interactive content data for storage at the receiver. The stream of audiovisual data includes codes in response to the receipt of which the receiver is intended to include the stored interactive content data in the display of the audiovisual data.

Independent claim 10 recites a method of receiving a television program including interactive content. The method includes receiving over a television network a broadcast stream of audiovisual data for display and receiving over the television network a separate broadcast stream of interactive content data. The method also includes the step of storing the interactive content data and responding to codes in the stream of audiovisual data to include the stored interactive content data in the display of the audiovisual data.

Independent claim 24 recites an apparatus for broadcasting a television program including interactive content. The apparatus includes a transmitter for broadcasting over a television network a stream of audiovisual data for display by a receiver. The transmitter can also broadcast over the television network a separate stream of interactive content data for storage at the receiver. The apparatus also includes an encoder for including codes in the stream of audiovisual data in response to the receipt of which codes the receiver is intended to include the stored interactive content data in the display of the audiovisual data.

Independent claim 25 recites an apparatus for receiving a television program including interactive content. The apparatus includes a receiver for receiving over a television network a broadcast stream of audiovisual data for display and receiving over the television network a separate broadcast stream of interactive content data. The apparatus also includes a memory for storing the interactive content data and a decoder for responding to codes in the audiovisual data to include the stored interactive content data in the display of the audiovisual data.

The disclosure of Lemmons relates to interactive video systems. *See* Lemmons at ¶ 3. In particular, the invention disclosed by Lemmons overcomes the disadvantages and limitations of the prior art by providing a system in which "triggers" can be used to access demographic and/or preference information of viewers to obtain targeted information for display with a video signal. *Id.* at ¶ 7. The trigger information can indicate when targeted data should be downloaded from a specific selected address, which may be in advance of the actual display of the targeted data, or in real time. *Id.* at ¶ 24. Lemmons fails to disclose each and every feature of the claimed invention.

Claim 9, for instance, is patentable over Lemons because Lemmons entirely fails to disclose broadcasting, over a television network, an audiovisual stream and "a separate stream of interactive content data for storage at the receiver," as required by claim 9. This separate stream of interactive content data is distinct from the stream of audiovisual data. Previously, Applicants argued that Lemmons teaches downloading interactive content, rather than broadcasting the same. The Office Action cites a new portion of Lemmons in order to maintain the rejection, namely paragraphs 29-31. *See* Office Action at 2. While paragraph 29 indicates that "the targeted information can be downloaded through the VBI" (i.e. vertical blanking interval). Lemmons does not expand on this aspect and hence it is not entirely apparent what is meant by this indication.

Furthermore, even setting aside the issue of whether or not such "downloading" might comprise a "broadcast", it is apparent that any such data is not and indeed cannot be considered to reside in a stream which is **separate** from the audiovisual stream. This is because it is contained in the VBI of the audiovisual stream, and hence is not in a separate stream, but rather is inserted into the audiovisual stream.

According to embodiments of the invention, large amounts of data may potentially be transmitted, as the interactive data is sent in a separate stream and hence is not limited by the amount of data which may be transmitted in the audiovisual data stream. This potential advantage is discussed in the specification. *See, e.g.*, Specification at ¶¶ 18 and 19. Lemmons simply fails to disclose "a separate stream of interactive content data," as required by claim 9. For at least this reason, the rejection of claim 9 is improper and should be withdrawn.

Claim 9 is also patentable for the separate and independent reason that Lemmons fails to disclose "stored interactive content data being included in the display of the audiovisual data in response to the receipt of codes in the audiovisual stream. In contrast, the "triggers" of Lemmons either (a) "indicate when targeted data should be downloaded from a specific selected address," or (b) "indicate a time at which the targeted data is to be downloaded in real time and inserted into the video signal." *See* Lemmons at ¶ 24. When the triggers of Lemmons are received, the relevant data is not stored. Indeed, this storing of the relevant data is entirely contrary to the teaching of Lemmons since, in Lemmons, the triggers themselves point to when a download should occur, and therefore the data is not stored when the triggers are received. Accordingly, a person of ordinary skill would clearly understand that Lemmons does not in any way teach a method of broadcasting a television program "wherein the stream of audiovisual data includes codes in response to the receipt of which the receiver is intended to include **the stored** interactive content data in the display of the audiovisual data," as required by claim 9. Claim 9 is, therefore, patentable for this separate and independent reason.

Since Lemmons fails to disclose each and every feature of the invention of claim 9, the rejection of claim 9 is improper and should be withdrawn. Applicants, therefore, respectfully request the withdrawal of the rejection of claim 9. Claims 11-15 depend from claim 9 and are patentable for at least the same reasons stated above with respect to claim 9 as well as for the additional features they recite. Applicants, therefore, respectfully request the withdrawal of the rejection of claims 11-13 as well.

Similarly to claim 9, claims 10, 24, and 25 all recite (a) separate streams of interactive content data and (b) stored interactive content data. As noted above with respect to claim 9,

Lemmons fails to disclose these features of claims 10, 24, and 25. Applicants, therefore, respectfully request the withdrawal of the rejection of claims 10, 24, and 25. Claims 25-28 depend from claim 24, claims 33-35 depend from claim 10, and claims 39-41 depend from claim 25 and are patentable for at least the same reasons as the claims upon which they depend as well as for the additional features they recite. Applicants, therefore, respectfully request the withdrawal of the rejection of claims 25-28, 33-35, and 39-41.

Claim Rejections Under 35 U.S.C. § 103

The Office rejected claims 14-15, 29-30, 36-37, and 42-43 under 35 U.S.C. § 103(a) as unpatentable over Lemmons. Applicants traverse the rejection on the basis that claims 14-15, 29-30, 36-37, and 42-43 recite subject matter neither disclosed nor suggested by Lemmons. For instance, each of claims 14-15, 29-30, 36-37, and 42-43 depends from a base claim that is allowable over Lemmons, as discussed above. Applicants, therefore, respectfully request withdrawal of the rejection of claims 14-15, 29-30, 36-37, and 42-43.

CONCLUSION

As each of the rejections and objections has been addressed, Applicants submit that claims 9-15, 24-30, 33-37, and 39-43 are patentable for at least the reasons set forth above. Applicants therefore request that the Office allow claims 9-15, 24-30, 33-37, and 39-43 and pass the application to issue.

Applicants respectfully petition for a two (2) month extension of time under 37 C.F.R. §1.136. Any fees for such an extension, including the fees set forth under 37 C.F.R. § 1.17(a)(3), together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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